IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT No. 1953 of 1988

Dayaram Kashiram Bhagat .. Plaintiff

versus

Amratlal Bhimji Zaveri .. Defendant

...

Mr.A.B. Nagvekar for the plaintiff.

None for the defendant.

**CORAM : D.G. KARNIK, J**

**DATED : 22nd June 2006.**

**P.C.:**

1. Heard learned counsel for the plaintiff. None present for the defendant.

2. Counsel for the defendant points out that though the defendant was served several years ago, the defendant has not filed written statement. Counsel for the plaintiff prays for a decree under Order 8 Rule 10 of the Code of Civil Procedure and submits that the

plaintiff only prays for money decree in terms of prayer clause (c). In the absence of written statement, averments made in the plaint are deemed to be admitted.

3. Suit of the plaintiff is decreed under Order 8 Rule 10 of the Code of Civil Procedure in terms of prayer clause (c).

**(D.G. KARNIK, J)**